



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, MARCH 27, 1997

1. Approval of Minutes for Regular Meetings of March 5, 6, 19 and 20, 1997.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert Singleton, to discuss why the rules aren't working.
3. Mr. Michael Bonds, to discuss violation of a bicyclist's civil transportation rights by City of Austin.
4. Mr. Gus Pena, to discuss city issues, public safety and youth issues.
5. Mr. Frank Belanger, to discuss Barton Springs Ordinance.
6. Mr. Patrick Goetz
Absent
7. Mr. Marcelo Tafoya, to discuss Palm Park Festival.
Absent
8. Mr. Gavino Fernandez, to discuss Latino vote registration drive.
Absent
9. Mr. Paul Hernandez, to discuss Cesar Chavez/IH-35 signs.
Absent
10. Mr. Steve Luning, to discuss Gay 101. (Spencer Nutting)
11. Mr. David Blakely, to discuss lean beef.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve second/third readings of an ordinance to authorize negotiation and approval of a wholesale wastewater contract between Davenport Ranch Municipal Utility District No. 1 and the City of Austin and approve an amendment to the Consent Agreement to authorize this wastewater service. (Mayor Bruce Todd and Councilmember Jackie Goodman)
Approved second reading only with an amendment by Councilmember Goodman of the draft ordinance that reads as follows:
An ordinance approving the negotiation and approval of a wholesale wastewater agreement with the Davenport Ranch Municipal Utility District No. 1 and the third amendment to the contract concerning the creation and operation of the Davenport Ranch Municipal Utility

District No. 1 relating to the provision of wholesale wastewater by the City of Austin to certain tracts; and providing an effective date.

Be it ordained by the City Council of the City of Austin:

Part 1. The City Manager or the Manager's designee may negotiate and enter into a Wholesale Wastewater Agreement with the Davenport Ranch Municipal Utility District No. 1 (the "District"). Subject to the terms contained in this ordinance, the terms and conditions shall be substantially similar to the agreement found in Exhibit A. The City Manager shall also include a provision in the Wholesale Wastewater Agreement that requires the District to negotiate an amendment to its contract with the Austin Country Club relating to the implementation of an integrated pest management program for the golf course acceptable to Austin.

Part 2. The City Manager or the Manager's designee may negotiate and enter into the Third Amendment to the Contract Concerning the Creation and Operation of the Davenport Ranch Municipal Utility District No. 1 (the "Third Amendment"), which amends the provisions of the Consent Agreement to conform to the terms of the wholesale wastewater agreement with Austin. Subject to the terms contained in this ordinance, the terms and conditions shall be substantially similar to the amendment found in Exhibit B.

Part 3. The City Council makes the authorization based on the following findings:

- (A) Austin originally approved the District as a non-city service municipal utility district.
- (B) The District has requested that the City provide wholesale wastewater service to areas inside the District and to the participants authorized in the Wholesale Wastewater Agreement with the Davenport Ranch Municipal Utility District No. 1. The participants are the owners of land, or their successors or assigns, within the wholesale service area who contract with the District and agree to share the costs of the Loop 360 Lift Station Project's facilities. The participants may include Davenport Limited, Inc., Eanes Independent School District, Hermosa Office Park PUD Owners Association, Inc., Mitchell Wong and wife, Rose T. Wong, USSA Stratum Executive Center Joint Venture, Riverbend Church, and Protestant Episcopal Church Council of the diocese of Texas/St. Stephen's Episcopal School ("St. Stephen's Episcopal School").
- (C) The City Council grants its consent to the provision of a limited number of living unit equivalents (LUEs) of wastewater service as identified in the Wholesale Wastewater Agreement by the District to the areas inside the District, and the out-of-district participants named in Section (B) of this Part.
- (D) It is the expectation of Austin that it will eventually annex the District and the out-of-district areas included in the wholesale service agreement. The provision of this wastewater service is part of the provision of City services to this area on annexation. The City is reserving capacity in its wastewater system to provide for the service to this area.
- (E) Austin's inability to collect property and sales taxes from development with

its extraterritorial jurisdiction puts at risk our ability to preserve the quality of life for which Austin is nationally recognized;

- (F) Other cities have extended essential services to outlying areas only to be later precluded from collecting taxes in those areas;
- (G) The District's Board of Directors by entering the Wholesale Wastewater Agreement must acknowledge that Austin has certain rights under existing law to annex the land within the District and the out-of-district Wholesale Service Area, dissolve the District, and assume the District's obligations. The District's Board of Directors must agree that it will not challenge the Consent Contract. The District's Board of Directors must also agree that it will not sponsor, request, lobby for, or attempt to secure state or federal legislation that prevents Austin from exercising its annexation rights. The participants that are not currently in Austin's limited-or full-purpose annexed area must request annexation before the District provides permanent wastewater service.
- (H) In the First Amendment to the Consent Agreement, the City consented to the District providing wastewater service to Davenport West PUD and the District using on-site or irrigation under certain restrictions. If Austin enters the Wholesale Wastewater Agreement, those provisions are superseded and are no longer applicable. The City Council through this action instructs the City Manager to conform other provisions in the consent Agreement to the terms of the Wholesale Wastewater Agreement as needed. The City Council also instructs the City Manager to include other terms in the Third Amendment to Consent Agreement required by the current ordinances relating to city service municipal utility districts.

Part 4. The City Manager is directed to conduct an evaluation of annexation of the areas covered by the Wholesale Wastewater Agreement and to bring a recommended annexation plan for that area to City Council within 90 days of the effective date of this Ordinance. The evaluation is to consider the impact annexing this area will have on Austin, its revenues, and the costs of providing municipal services to the area. It will identify how full city services may be provided. The evaluation will also look at annexing the District separately from the following areas outside the District: Davenport West PUD, St. Stephen's Episcopal School, Riverbend Church, the Eanes ISD middle school tract, and Lot 39, Lakeside Addition. If other areas should be included in the evaluation, the City Manager shall identify those areas in his evaluation and recommendation to City Council. The City Manager will include in the recommended annexation plan the appropriate timing, service plans, and financial actions necessary to accomplish the various annexations.

Part 5. This ordinance take effect on March 31, 1997, on Councilmember Goodman's motion, Mayor Todd's second, 4-3 vote, Mayor Pro Tem Garcia, Councilmembers Griffith and Slusher voting "NO".

Substitute motion by Councilmember Griffith to adopt the following alternate schedule for

consideration of items related to the Davenport MUD central sewer agreement:

Action to be Taken	Alternative Schedule
City Council Item-Consent Agreement Amendments and Wholesale Contract--3rd reading	On or before May 1
MUD Submits Loan Application to Texas Water Development Board	May 2
Texas Water Development board Considers Approval of financing MUD Bonds	June 15
Possible Planning commission--consider approval of MUD Bond Sale	June 17
Possible Planning Commission--consider approval of MUD Bond Sale	June 24
Water/Wastewater Commission--consider recommendation re: MUD Bond Sale	July 2
City Council Item--1st Reading of MUD Bond Sale approval	July 9 (Wed.)
City Council Item--2nd Reading of MUD Bond Sale approval	July 10 (Thurs.)
City Council Item--3rd Reading of MUD Bond Sale approval	July 17 (Thurs.)
Motion by Councilmember Griffith, Mayor Pro Tem Garcia's second, 3-3-1 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO"	

13. Approve third reading to amend Ordinance No. 960910-G, the 1996-97 Operating budget, by transferring \$60,000 from the General Fund Contingency Reserve and increasing the appropriation for transfers out to the Support Services Fund by \$60,000; amend the Support Services Fund by increasing transfers in from the General Fund by \$60,000 and increasing the appropriation for management services by \$60,000 for use on an as needed basis for legislative issues. (Councilmembers Jackie Goodman and Daryl Slusher)
Pulled from agenda

Health and Human Services

14. Approve an ordinance authorizing acceptance of \$25,000 in grant funds from the Texas Workforce Commission Start-up Employer Dependent Care Coalition Project Grant to fund the Austin Employers' Collaboration; amend Ordinance 960910-G, the 1996-97 operating budget, amending

the Special Revenue Fund by appropriating \$25,000 in grant funds for the Health and Human Services Department Special Revenue Fund. (In-kind Match of \$8,333 is required and is available in the 1996-97 operating budget of the Health and Human Services Department.) [Recommended by Child Care Council]

Ordinance No. 970327-A approved

15. Approve a resolution authorizing negotiation and execution of two twelve month contracts for the Elderly Services Program with FAMILY ELDERCARE, INC., Austin, Texas, for guardianship and money management services, in an amount not to exceed \$50,300; and with VOLUNTEER CAREGIVERS ASSOCIATION OF AUSTIN, Austin, Texas, for transportation services and elderly abuse prevention programs, in an amount not to exceed \$46,700. (Funding is available from the Community Development Block Grant (CDBG) Special Revenue Fund.) Best proposal of three. No M/WBE Subcontracting opportunities were identified.

Approved

16. Approve a resolution authorizing an amendment to the Interlocal Cooperation Agreement with Travis County for social services contracts, increasing the Agreement in an amount not to exceed \$90,234 for homeless services, for a total amount not to exceed \$5,862,441. (Funding is available in the 1996-97 operating budget of the Austin/Travis County Health and Human Services Department, Social Services Fund.) [Reviewed by Community Action Network Resource Council]

Approved

Finance and Administrative Services

17. Approve a resolution authorizing execution of a twelve month supply agreement with EQUIPMENT DIRECT, INC., Brea, California, for the purchase of safety supplies (i.e. safety helmets, face shields, safety glasses, ear protectors, etc.) used by City personnel in daily operations and maintenance, in an amount not to exceed \$71,260.05 with two twelve month extension options in an amount not to exceed \$71,260.05 per extension, for a total amount not to exceed \$213,780.15. (Funding in the amount of \$35,472.03 was included in the 1996-97 operating budget of the user departments. Funding for the remaining six months and the extension options is contingent upon available funding in future budgets.) Low bid of twenty-four meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

18. Approve a resolution authorizing an increase to the contract amount with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, to provide temporary clerical personnel services for City departments, in an amount not to exceed \$566,350 for a contract amount not to exceed \$700,000 with one twelve month extension option in an amount not to exceed \$622,985, for a total contract amount not to exceed \$1,621,500. (Funding in the amount of \$448,360.42 is available in the 1996-97 operating budget of the user departments. Funding for the remainder of the contract and the extension option is contingent upon available funding in future budgets.)

Approved

Items 14 through 18 approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 7-0 vote.

19. Approve a resolution authorizing negotiation and execution of a contract with LOCKHEED MARTIN MISSILE AND SPACE COMPANY, Aurora, Colorado, for the purchase of an Automatic Location Tracking System used in maintaining infrastructure data for the Public Works Department, including installation and training, in an amount not to exceed \$207,000. (Funding in the amount of \$136,805 was included in the 1996-97 Capital budget of the Finance and Administrative Services department. Funding in the amount of \$70,195 is available in the 1996-97 ISTEPA Grant.) Sole source. No M/WBE Subcontracting opportunities were identified.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Goodman off the dais.

Fire

20. Amend Ordinance 960910-A, the 1996-97 Capital budget of the Financial and Administrative Services Department, by transferring \$365,683 from the CIP Contingency project to the Fire Department Capital budget; Amend the 1996-97 Capital budget of the Fire Department by increasing transfers in by \$365,683 for the purchase of an aerial ladder truck for the fire station located at 400 Ralph Ablanado Drive. (Recommended by Planning Commission)
Ordinance 970327-B approved
21. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of a 100 foot aerial ladder fire truck for the Ralph Ablanado Fire Station, in the amount of \$522,447. (Funding was included in the 1996-97 Amended Capital budget of the Austin Fire Department.)
Approved

LAW

22. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget by transferring \$225,000 from the General Fund Contingency Reserve to the Support Services Fund and appropriating \$225,000 to the Law Department for outside counsel in Richard Irene Osaze-Ediae v. John Jones, Hector Polanco and City of Austin; Cause No. 94-00063, in the 250th District Court of Travis County, Texas.
Ordinance No. 970327-C approved
23. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget by transferring \$160,000 from the General Fund Contingency Reserve to the Support Services Fund and appropriating \$160,000 to the Law Department for outside counsel in Zilker Eagle v. City of Austin; Cause No. A-96-CA-613JN, in the United States District Court for Western District of Texas.
Ordinance No. 970327-D approved

Development Review and Inspection

24. Set a public hearing to consider an appeal by Vivek Bakshi, Ph.D., of the Planning Commission's decision to approve a variance request to allow construction on slopes, and appeal of the approval of the preliminary plan, case C8-96-0117, Nassour Acres, located between Canyon Rim Drive and King Arthur Court. (Suggested date and time: April 10, 1997 at 6:00 P.M.)

Approved

Items 20 through 24 approved on, Councilmember Reynolds's motion, Councilmember Goodman's second, 7-0 vote.

25. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard, Case No. C14-96-0043, from "GR", Community Commercial to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, zoning with conditions. First reading on June 13, 1996; Vote 5-0, Nofziger off the dais. Second reading on July 18, 1996; Vote 6-1, Slusher voting "No". Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first and second readings. (continued from 2/6/97, 2/27/97, 3-20-97)

Ordinance No. 970327-G approved subject to a restrictive covenant provision that requires dedication of two easements for water quality monitoring within 180 days of March 27, 1997 on, Councilmember Mitchell's motion, Councilmember Goodman's second, 7-0 vote.

26. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Southwest Parkway & Vega Avenue, Case No. C14-96-0161, from "LO-CO", Limited Office-Conditional Overlay, "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay & "MF-1-CO", Multifamily Residence (limited density)-Conditional Overlay to "GO", General Office-Conditional Overlay, zoning with conditions. First reading on March 20, 1997; Vote 6-0-1, Garcia abstaining. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed by Council at first reading.

Ordinance 970327-F approved with the understanding and a restrictive covenant that limits impervious cover on the entire 73.46 acre site to be purchased by St. Andrews Episcopal School on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 6-1 vote, Mayor Pro Tem Garcia voting "NO".

ITEMS FROM COUNCIL

27. Approve waiver of development and water and wastewater fees, Capital Recovery Fees, and fiscal surety requirements, in the amount of \$14,896, associated with the expansion of Holy Cross Catholic Church, in the amount of \$14,529. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)

Ordinance No. 970327-E approved on, Councilmember Reynolds' motion, Councilmember Goodman's second 7-0 vote.

28. Direct the City Manager to develop a funding plan to implement three shift walking beats for the 11th/12th Street Corridor, the Springdale/Webberville area, the Loyola/Springdale area and the South Congress Avenue area. (Councilmember Eric Mitchell)

Approved on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-1-1 vote, Councilmember Griffith voting "NO", Mayor Pro Tem Garcia "ABSTAINING".

29. Approve a resolution amending the City's Legislative Program to express support of or opposition to proposed legislation concerning Capital Metro. (Councilmember Ronney Reynolds)

Motion to approve House Bill 2446 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Reynolds "ABSTAINING", Councilmember Mitchell off the dais.

Amendment by Councilmember Reynolds that before a request can be made to the State for a performance review by the Comptroller that all audits in performance reviews that have been prepared will be given to the government entities that appoint members to Capital Metro, Mayor Todd's second, 2-4 vote, Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher voting "NO", Councilmember Mitchell off the dais.

Amendment by Mayor Pro Tem Garcia to put on our legislative program as a bill we support, House Bill 2445 filed on March 10, 1997 by State Representative Greenberg, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

Amendment by Councilmember Reynolds on House Bill 2445 to require that Capital Metro get a vote and not just allow them to call a vote, Mayor Todd's second,

Mayor Todd withdrew second

Motion by Councilmember Reynolds on House Bill 2230 to vote by December 31, 1997 or it rolls back to 3/4 cent and no recurring vote,

No second

Amendment by Councilmember Reynolds to support legislation which allows the representatives of Capital Metro to be elected by districts,

No second

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

30. C14-97-0005 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Pearce Lane and North FM 973 from "DR", Development Reserve to "MH", Mobile Home Residence, zoning. Planning Commission Recommendation: To Grant "MH", Mobile Home Residence, zoning with conditions.

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Councilmember Reynolds temporarily absent.

Motion to approve first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Reynolds temporarily absent.

31. C14-97-0012 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Rivercrest Drive from "LA", Lake Austin Residence to "PUD", Planned Unit Development, zoning.
Planning Commission Recommendation: To Grant "PUD", Planned Unit Development, zoning with conditions.
Ordinance No. 970327-H approved Planning Commission recommendations on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Griffith and Reynolds off the dais.

PUBLIC HEARINGS

32. 6:00 P.M. - Public hearing to approve a 260,930 SF (5.99 acres) drainage improvement project (the Creek Bend Flood Control Project) through dedicated parkland known as Williamson Creek Greenbelt in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code.

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmembers Mitchell and Reynolds off the dais.

33. 6:30 P.M. - Public hearing on an amendment to the Land Development Code to exempt uses of less than 6,000 square feet from parking requirements in the Central Business District and Downtown Mixed Use District.

Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Griffith's second, 4-0 vote, Mayor Todd, Councilmember Mitchell off the dais, Councilmember Reynolds temporarily absent.

ACTION ON PUBLIC HEARINGS

34. Approve a 260,930 SF (5.99 acres) drainage improvement project (the Creek Bend Flood Control Project) through dedicated parkland known as Williamson Creek Greenbelt in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks Board)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds temporarily absent.

35. Approve an amendment to the Land Development Code to exempt uses of less than 6,000 square feet from parking requirements in the Central Business District and Downtown Mixed Use District. (Recommended by Downtown Commission and Planning Commission)
Ordinance No. 970327-I approved on, Councilmember Slusher's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Reynolds temporarily absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 3:40 p.m. to 5:45 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Land Acquisition - Section 551.072

36. Discuss real property acquisitions for Barton Creek Wilderness Park.
37. Discuss real property acquisition/sale/lease of land at Robert Mueller Municipal Airport and Austin-Bergstrom International Airport with the State of Texas, State Pooling Board, and the Texas Army National Guard.

ADJOURNED at 8:57 p.m.

Approved on this the 24th day of April, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.